

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-8, and 10-13 are currently pending. Claims 1 and 13 are independent and are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. ALLOWABLE SUBJECT MATTER**

Applicants' representative thanks the Examiner for noting claims 1-8 and 10-12 recited allowable subject matter.

### **III. CORRECTION OF TYPOGRAPHICAL ERROR**

Claim 1 has been amended herein to correct a grammatical error.

#### IV. REJECTIONS UNDER 35 U.S.C. §101

Claims 13 was rejected under 35 U.S.C. §101 as allegedly not falling within one of the four statutory categories of invention.

Claim 13 has been amended to overcome the rejection. Support for this amendment is found in the as-filed specification where it is stated:

“The recording is executed while annual rings are formed onto the optical disc 1 as mentioned above. For example, in the audio data, when the data amount detecting unit 42 of the data converting unit 19 detects the audio data necessary for reproduction of a time corresponding to one annual ring data, it notifies the memory controller 17 of such a fact. In response to it, the memory controller 17 discriminates whether or not the audio data necessary for reproduction of a time corresponding to one annual ring data has been stored in a memory 18 and notifies the control unit 20 of a discrimination result. On the basis of the discrimination result, the control unit 20 controls the memory controller 17 so as to read out the audio data corresponding to the reproducing time of one annual ring data from the memory 18. The audio data is read out from the memory 18 by the memory controller 17, supplied to the signal processing unit 16, and recorded onto the optical disc 1.”

Publ. App. pars. [0152] and FIGS. 14-15.

#### V. DEPENDENT CLAIMS

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

#### CONCLUSION

Claims 1-8, and 10-13 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited

reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By: 

Paul A. Levy  
Reg. No. 45,748  
(212) 588-0800